

GETTING INTO THE CITY BEAT

Challenges facing our metro police

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It has been a little over five years since metropolitan police departments were first established in South Africa. Despite relatively small numbers of operational personnel, they now form a familiar part of the policing landscape. With good reason, metro police officers do better at traffic control than crime prevention, and their relationship with the SAPS needs attention. This article reflects on their achievements over the past years and some of the key challenges confronting these local level police agencies.

Although metropolitan policing is a relatively new phenomenon in South Africa, the metro cars and uniforms have become a familiar sight in the five cities where it has been established. Since 2000 the country has seen five metropolitan councils establish a metropolitan police department (MPD).² These include the Durban City Police (established in July 2000), the Johannesburg Metropolitan Police Department (April 2001), the Cape Town City Police Department (December 2001), and the Tshwane and Ekurhuleni Metropolitan Police Departments (both established in February 2002).

Unlike the South African Police Service (SAPS), which is the country's national police service and has jurisdiction anywhere in South Africa, MPDs only have jurisdiction within the boundaries of a particular local government authority.

With the launch of the National Crime Prevention Strategy (NCPS) in 1996 and the White Paper on Safety and Security in 1998, local governments were expected to play a greater role in reducing crime in their areas. It was therefore with much fanfare and high expectations that metropolitan councils launched their police departments.

Certainly, in the minds of local government officials, it was highly desirable to establish a metropolitan police department. The sense was that with a police department under their control, councils would have a greater impact on safety and security in their jurisdictions.

Getting the MPDs off the ground

However, establishing a police department from scratch is not a simple task. Indeed, at the time there were those who warned that these departments should not be expected to significantly impact on crime in the short term.³ This has been borne out by practical experience. For instance, it took six months after the establishment of the JMPD for the council to finalise the department's terms of reference, policies, and procurement and recruitment procedures.⁴

One of the main challenges of establishing a new police department at local level was securing funds. Local government had to finance these departments, which meant that limited resources had to be spread over the following three core mandates:

- traffic law enforcement;
- municipal by-law enforcement; and
- crime prevention.

Most MPD officials were taken from the previous local traffic authority and other security staff. This meant that there was a pressing need for new training and equipment to ensure that each of the MPDs could start to fulfil their mandates.

Now that these institutions have been operational between three and five years, it is useful to reflect on some of the key challenges and developments that have taken place.

In doing so, it is important to recognise that each MPD was established as a separate police department. This means that there are significant differences in terms of the size of their respective budgets, their uniforms, their organisational and ranking structures, and how they prioritise and use their resources. This article, however, focuses on some of the common overarching challenges confronting MPDs, as opposed to delving into the many differences between each department.

A key constraint confronting the MPDs is the relatively small number of sworn officers that they are able to draw on. Table 1 presents the numbers of operational officers available to each MPD in relation to the size of the population that each agency is expected to police.⁵

The ratios in the table do not indicate how many police officers are actually on duty in relation to the

population being policed at any given time. The legislative prescription that MPDs are able to provide services 24 hours a day means that these numbers are typically divided between three eight-hour shifts. Moreover, there are always officers on leave or involved in other tasks (such as training, administration, vehicle inspection, etc.) that have no direct bearing to their core mandate.

It is also important to note that available officers are not only going to be focusing on the policing of crime but are also expected to engage in traffic and municipal by-law enforcement. This further reduces their ability to directly tackle the levels of serious crime at local level. To demonstrate the challenge in more concrete terms one can compare the above ratios to the national average SAPS official to civilian ratio, which, according to the SAPS 2004/05 Annual Report, is 1:511. A national picture reveals that there are a little over 5,200 operational MPD officials in the country, compared to around 91,700 SAPS officials.

Focus of metro policing activities

As traffic law enforcement has always been a local government function, this is the easiest of the mandates to fulfil. Indeed, most of the new MPD officers were previously traffic officials.⁶ Given that the legislation specifically states that traffic law enforcement may not be compromised in favour of the other two mandates, that traffic fines generate considerable revenue for the local authorities, and that our road accident fatality rate is among the world's worst, it is not surprising that traffic law enforcement activities make up a significant proportion of the work of most of the MPDs.

The June 2002 activity report for the Tshwane Metropolitan Police Department revealed that, of the 20,476 hours worked that month, 43% were related to traffic policing, 23% to crime prevention and 2% to by-law enforcement, with the remainder attributed to other duties such as administration, court appearances or training.⁷ Similarly, of the 12,828 calls logged by the Johannesburg Metropolitan Police Department in the last quarter of 2003, 80.5% were traffic-related, 10.5% related to by-law enforcement, and 9% to crime.⁸

Table 1: Ratio of operational MPD officers to population

Metro police department	Police officers	Population	MPD officer: population ratio
Johannesburg MPD	2,202	2.8 million	1:1,272
Tshwane MPD	586	1.8 million	1:3,072
Ekurhuleni MPD	457	2.4 million	1:5,252
Durban MPD	1,142	2.8 million	1:2,452
Cape Town MPD	798	3.5 million	1:4,386

The enforcement of by-laws is proving a bit trickier. The MPDs found that within their jurisdiction there were a number of different by-laws from the various municipalities that were amalgamated to create each metropolitan area. Consequently, before the MPDs could effectively fulfil this mandate, the metropolitan councils had to undertake the long process of promulgating new by-laws.

Initially, therefore, by-law enforcement only made up a small proportion (10% or less) of the activities of the various MPDs.⁹ As MPD officers get used to the new by-laws and as the municipal courts start having a greater impact, it is expected that the MPDs will be able to fulfil this mandate to a much greater extent.

Can MPDs prevent crime?

Shortly after the establishment of the MPDs it became clear that their crime prevention role and mandate had to be clarified.¹⁰

The term 'crime prevention' is quite ambiguous and often means different things to different people. The 1998 White Paper on Safety and Security broadly defines crime prevention as "all activities which reduce, deter or prevent the occurrence of specific crimes firstly, by altering the environment in which they occur, secondly by changing the conditions which are thought to cause them, and thirdly by providing a strong deterrent in the form of an effective criminal justice system."

When it comes to policing, providing a deterrent forms the crux of the notion of crime prevention. To this end the police focus on tactics that are seen as likely to deter criminal activity, such as visible police patrols, roadblocks, search and seizure operations, and targeted arrests. More indirectly, the police see themselves as contributing to crime prevention when they bring about the successful prosecution of criminal suspects through their investigations.

Previous research has found that there are significant differences in the ways in which MPDs have interpreted their crime prevention mandate.¹¹ Some MPDs have established specialised units to tackle specific crimes (i.e. hijacking). In some cases

activities undertaken in joint operations with the SAPS make up the bulk of the crime prevention work of the MPD. Some MPDs have social crime prevention units that largely focus on public education and awareness activities with schools and other community structures.

These differences are partly a consequence of the ambiguous mandate and partly a result of resource and capacity limitations. Nevertheless, the metropolitan councils have placed particular pressure on MPDs to engage in traditional crime combating activities. This is largely because councillors believe that this approach will have the greatest short-term impact on crime levels in their cities.

However, in both the SAPS and the MPDs, there are people who argue that the agencies are not adequately trained or equipped for the policing of serious crimes. The SAPS is manifestly far better capacitated – not only are SAPS officers specifically trained and equipped to police serious crimes, they also have more personnel and resources in each of the areas where the MPD operates. Moreover, MPDs do not have powers to investigate cases, gather crime intelligence or hold criminal suspects for longer than it takes to hand them over to members of the SAPS.

The 'broken windows' theory suggests that the MPDs should have a different approach to crime prevention than the SAPS.¹² According to this theory, crime thrives in localities where order appears to have broken down. Factors such as broken windows, uncut grass and weeds, graffiti, loud noise, unregulated squatting, hawking or parking and illegal dumping all contribute to an environment that breeds insecurity among its members. This undermines community cohesion, and criminal elements start to gain control, contributing to the likelihood of serious crime.

It has long been recognised that to reduce crime in a sustainable manner, the root causes have to be addressed. Typically, however, police departments are reactive rather than proactive: they respond to crimes only after they have occurred. The MPDs, on the other hand, are well placed to proactively

address a number of the root causes of crime through the rigorous and consistent enforcement of traffic and by-laws, in partnership with other local government departments.¹³ If MPD officers come across criminal activity, they should be trained to respond appropriately and be in a position to summons the SAPS for immediate assistance.

Cooperation between MPDs and SAPS

Given that both the SAPS and MPDs are mandated to engage in crime prevention, it seems obvious that they should work in close cooperation. If these agencies were to coordinate their activities they could undoubtedly have a greater impact on reducing crime. However, effective inter-agency collaboration has proven more difficult than initially imagined.

To some extent it was assumed that effective collaboration would occur through a legal framework contained in the legislation that enables the establishment of the MPDs. In particular, the legislation calls for the establishment of Policing Co-ordinating Committees at either local or area level to coordinate police operations between the various police departments.¹⁴

Very soon after the MPDs were established it became clear that professional rivalry between the MPDs and the SAPS was going to present a substantial challenge to effective inter-agency collaboration. The SAPS reportedly regarded the MPDs as a junior partner in the policing coordinating committees. The MPDs were simply told what to do so as to fall in line with the SAPS operational plans. Out on the streets these attitudes, along with differences in the rank structure between the MPDs and SAPS, sometimes caused confusion or conflict as to who had ultimate authority at a crime scene.

Fortunately, over time, pragmatic police commanders in both the MPDs and the SAPS have recognised the benefits of working together, and these problems are increasingly being resolved. The numerous joint crime combating operations involving both the SAPS and MPDs have also resulted in generally improved relationships. Innovative initiatives have been undertaken to

promote cooperation, such as a pilot project in Johannesburg whereby JMPD officials are based at police stations for a period of three months to expose them to the work of the SAPS.

At a policy level, foresight on the part of senior managers from the SAPS, the MPDs and the Independent Complaints Directorate (ICD) saw the formation of the National Forum for Municipal Police Services (NFMPS) in 2001. By 2004 it had developed a formal protocol that sets out objectives for improving collaboration between the various stakeholders.

Some of the issues that this forum has been dealing with include standardising rank structures, training standards, and the sharing of information between the different participants. Unfortunately, however, this forum lacks legal authority, as it is voluntary and therefore cannot bind the various agencies to its decisions or recommendations. Nevertheless, indications are that renewed efforts to strengthen cooperation between the MPDs and SAPS are underway at a senior level.

Who watches over the MPDs?

As is the case with the SAPS, the national and provincial secretariats for Safety and Security and the respective legislatures have a role to play in ensuring MPD accountability. Moreover, the Independent Complaints Directorate (ICD) may investigate complaints against the MPDs, as may any of the Chapter Nine institutions (e.g. the Public Protector, the Human Rights Commissions, etc.). However, the metropolitan councils, which have to approve the budgets for the MPD, perform the most direct and ongoing oversight role. The primary committee in this regard is the Public Safety Committee, consisting solely of elected local councillors from the various political parties represented in the council.¹⁵

These committees are chaired by the member of the Mayoral Committee (MMC) appointed to deal with public safety concerns at local government level. Typically these committees also oversee departments dealing with other safety-related structures, such as the emergency services. They play an executive oversight role and therefore tend

to focus on issues such as the budget expenditure, policies, structures and resources of the MPD.

A common concern about the oversight at this level is that it is not very well defined and that the local councillors have little insight into the craft of policing. Consequently, these committees can find themselves in a situation in which they are trying to promote acceptance of the MPD amongst their constituencies, but are thereby compromising their ability to adequately deal with problems or challenges faced by the agency. Moreover, there is a need to prevent inappropriate political interference from councillors with what should be the operational independence of the MPD command structure. This could be done by requiring that all instructions from council officials to MPD officials be in writing and tabled before open sittings of the council on a regular basis.

The SAPS Amendment Act of 1998 makes further provision for a "civilian oversight committee" to be established for each MPD.¹⁶ The difference between these committees and the public safety committees is that they may consist of members who are not elected councillors.¹⁷ The idea is that representatives of the public and individuals with specialist expertise could be co-opted onto the committees to assist with ensuring transparency and accountability of the MPDs.

However, due to a lack of capacity, and a broad mandate that can be interpreted in a myriad of ways, it has been difficult to ensure that these committees play a meaningful oversight role. Each of the MPDs has established a civilian oversight committee at least once; however, in most cases these committees ceased to exist after a period of time as the challenges they experienced prevented them from playing a meaningful oversight role.¹⁸ This problem has yet to be overcome, but unless there is a change in the legislation that governs the establishment of these structures, and until the councils make available dedicated resources, this seems unlikely.

Conclusion

There can be no doubt that MPDs have become a recognisable feature in each of the metropolitan

areas where they have been established. A huge amount of energy and resources have gone into ensuring that MPDs are highly visible in their jurisdictions and that they are able to fulfil each of their three core mandates to some degree. Indeed, the MPDs are responsible for many traffic fines, by-law enforcement notices and arrests of criminal suspects in the areas where they operate. However, five years is a relatively short time period in which to establish a police department. Therefore there are still a number of key challenges confronting these agencies as they strive to play an effective role in promoting community safety.

Endnotes

- 1 Gareth was with the CSVr at the time of writing, and is now an advisor to the MEC for Safety and Security in Gauteng.
- 2 While the Swartlands municipality has also established a municipal police department in October of 2002, and a number of other municipalities have more recently explored the viability of doing so, this article will limit itself to the existing police departments in metropolitan areas.
- 3 J Rauch, M Shaw and A Louw, *Municipal Policing in South Africa, Development and Challenges*, ISS Monograph No 67, Pretoria, Institute for Security Studies, November 2001.
- 4 G Newham, *Local Level Civilian Oversight of the Metropolitan Police Departments in South Africa*, Centre for the Study of Violence and Reconciliation, Braamfontein, 2004a.
- 5 These figures reflect the number of sworn police officials as presented to the National Assembly's Portfolio Committee on Safety and Security on 14 March 2006.
- 6 The main exception to this was the Cape Town City Police Department. At its inception less than 10% of the CTCP were traffic officers although it later amalgamated the traffic department into the agency.
- 7 G Newham, T Masuku and L Gomomo, *Metropolitan Police Departments in South Africa*, Centre for the Study of Violence and Reconciliation, Johannesburg, 2002 <www.csvr.org.za/publications/policing>
- 8 Taken from the Johannesburg Council's Annual Report for 2002/2003 and available at <www.joburg.gov.za>
- 9 Newham, 2004a, op cit.
- 10 Rauch et al, op cit.
- 11 G Newham, *Towards Improving Collaboration between the South African Police Services and the Metropolitan Police Services*, Research report written as part of the Belgian Technical Assistance to the South African Police Service, 2004b.
- 12 JQ Wilson and GL Kelling, Broken Windows, in Roger G Dunham and Geoffrey P Alpert (eds), *Critical Issues in Policing*, Contemporary Readings, Prospect Heights, Waveland Press Inc, 1997.
- 13 This approach has been argued previously by T Leggett, Why Wait? By-laws and regulations for high